

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David A. Kettren
Debtor(s)

Bankruptcy Case No.: 17-21649-CMB
Issued Per Dec. 21, 2017 Proceeding
Chapter: 13
Docket No.: 39 – 2
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 21, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 52 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 4; Norwin Teachers Federal Credit Union at Claim No. 5-2 .
- ☒ H. Additional Terms: The claim of Ally Financial at Claim No. 1 shall be paid per stipulation at \$443 per month.
The secured claim of Harley-Davidson Credit Corp. at Claim No. 3 shall govern as to claim amount, to be paid at the modified plan terms at \$117 per month.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

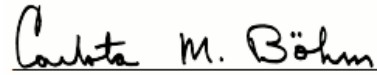
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 8, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David A. Kettren
 Debtor

Case No. 17-21649-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Jan 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 10, 2018.

db +David A. Kettren, 502 Scott Street, Penn, PA 15675-9707
 cr +Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,
 Pittsburgh, Pa 15222-5413
 14407439 +AMCA/Amer Medical, Collection Agency, 4 Westchester Plaza, Suite 110,
 Elmsford, NY 10523-1615
 14407441 +BBS Advance Cash, P.O. Box 10, Parshall, ND 58770-0010
 14407443 +COLUMBIA GAS, 290 W NATIONWIDE BLVD 5TH FL, BANKRUPTCY DEPARTMENT, COLUMBUS OH 43215-4157
 (address filed with court: Columbia Gas of PA, PO Box 117, Columbus, OH 43216)
 14407442 +Carecentrix, 20 Church Street, Suite 900, Hartford, CT 06103-1248
 14407446 +Credit Protection Association, P.O. Box 802068, Dallas, TX 75380-2068
 14407447 +DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: Direct TV, PO Box 6550, Englewood, CO 80155)
 14407451 +First Premier Bank, 601 South Minnesota Avenue, Sioux Falls, SD 57104-4868
 14416967 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 14407453 Internal Revenue Service, Special Procedure Branch, PO Box 526, Pittsburgh, PA 15222
 14656297 +Linebarger, Goggan, Blair &, Sampson, LLP, Attorneys at Law, P.O. Box 90128,
 Harrisburg, PA 17109-0128
 14407454 +Norwin Teachers Federal Credit Union, 183 Clay Pike, North Huntingdon, PA 15642-2005
 14407455 +Penn Credit, Attn: Bankruptcy, P.O. Box 988, Harrisburg, PA 17108-0988
 14407456 +Penn Township Sewage Authority, 1032 Nike Site Road, Irwin, PA 15642-4812
 14656296 +Pennsylvania Turnpike Commission, Central Office, P.O. Box 67676,
 Harrisburg, PA 17106-7676
 14407457 +Peoples Natural Gas, P.O. Box 9035, Addison, TX 75001-9035
 14675872 Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco,
 Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 14656298 +RNR Custom Wheels &, Performance Tires, 3944 William Penn Highway,
 Monroeville, PA 15146-2407
 14407461 +Spotloan, P.O. Box 927, Palatine, IL 60078-0927
 14407463 +Tek Collect, P.O. Box 1269, Columbus, OH 43216-1269
 14407465 +Western PA Anesthesia Associates, 4727 Friendship Avenue, Suite 240,
 Pittsburgh, PA 15224-1778
 14407466 +Westmoreland Water Authority, 124 Park N. Pool Drive, New Stanton, PA 15672-2404

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14407440 +E-mail/Text: g20956@att.com Jan 09 2018 02:00:40 AT & T Mobility,
 5565 Glenridge Connector, Atlanta, GA 30342-4756
 14407437 +E-mail/Text: EBNProcessing@afni.com Jan 09 2018 02:00:18 Afni, Inc., Attn: Bankruptcy,
 P.O. Box 3427, Bloomington, IL 61702-3427
 14414953 E-mail/Text: ally@ebn.phinsolutions.com Jan 09 2018 01:59:29 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14407438 +E-mail/Text: ally@ebn.phinsolutions.com Jan 09 2018 01:59:29 Ally Financial,
 P.O. Box 380901, Minneapolis, MN 55438-0901
 14407444 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Jan 09 2018 02:00:39 Comcast,
 1500 Market Street, Floor 33E, Philadelphia, PA 19102-2107
 14407445 +E-mail/Text: kcarter@creditmanagementcompany.com Jan 09 2018 02:00:36
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14407448 +E-mail/Text: bankruptcyntices@dcicollect.com Jan 09 2018 02:00:39 Diversified Consultant,
 P.O. Box 551268, Jacksonville, FL 32255-1268
 14407449 +E-mail/Text: essmc@essmc.com Jan 09 2018 02:00:37 East Suburban Sports Med Center,
 One Franklin Centre, 4115 William Penn Highway, Murrys ville, PA 15668-1887
 14407450 +E-mail/Text: bknotice@ercollections.com Jan 09 2018 02:00:14
 Enhanced Recovery Company, LLC, 8014 Bayberry Road, Jacksonville, FL 32256-7412
 14407452 +E-mail/Text: bankruptcy.notices@hdfsi.com Jan 09 2018 02:00:42 Harley Davidson Financial,
 Attention: Bankruptcy, P.O. Box 22048, Carson City, NV 89721-2048
 14407462 E-mail/Text: appebnmailbox@sprint.com Jan 09 2018 02:00:03 Sprint, 6391 Sprint Parkway,
 Overland Park, KS 66251
 14407458 +E-mail/Text: legal@gosafco.com Jan 09 2018 01:59:29 Safco, 5900 Lake Ellenor Drive,
 Orlando, FL 32809-4643
 14407459 +E-mail/Text: bankruptcy@sccompanies.com Jan 09 2018 02:01:05 Seventh Avenue,
 1112 7th Avenue, Monroe, WI 53566-1364
 14407460 +E-mail/Text: bankruptcy@sw-credit.com Jan 09 2018 02:00:07 Southwest Credit System,
 4120 International Parkway, Suite 1100, Carrollton, TX 75007-1958
 14415833 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 09 2018 02:10:00 Spot Loan,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 14644572 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 09 2018 02:03:49 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 14407464 +E-mail/Text: bankruptcy@firstenergycorp.com Jan 09 2018 02:00:12 West Penn Power,
 P.O. Box 3687, Akron, OH 44309-3687
 14648065 +E-mail/Text: bankruptcy@firstenergycorp.com Jan 09 2018 02:00:12 West Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 18

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jan 08, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Harley-Davidson Credit Corp
cr* +Spot Loan by American InfoSource LP as agent, 4515 N Santa Fe Ave,
Oklahoma City, OK 73118-7901

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 8, 2018 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
agilbert@tuckerlaw.com;cabbott@tuckerlaw.com;dparanay@tuckerlaw.com
James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Suzanne M. Bash on behalf of Debtor David A. Kettren suzannembash@yahoo.com, sooz1205@yahoo.com
TOTAL: 5